

PAKISTAN BAR COUNCIL
NOTIFICATION

No. 84/PBC/SEC/2009

January 31st, 2009

In exercise of the powers conferred by Section 55 of the Legal Practitioners & Bar Councils Act, 1973 and all other enabling provisions in this behalf, the Pakistan Bar Council hereby makes and notifies the following Rules:-

PAKISTAN BAR COUNCIL EMPLOYEES
SERVICE RULES, 2009

CHAPTER-I

GENERAL

1. These Rules may be called the "Pakistan Bar Council Employees Service Rules, 2009".
2. They shall come into force with effect from 1st January, 2009.

Definitions:

3. In these Rules unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them that is to say:--

- (a) "Act" means the Legal Practitioners and Bar Councils Act, 1973 (Act XXXV of 1973).
- (b) "Appointing Authority" means the Executive Committee in relation to posts upto BS 16 and the Bar Council in relation to posts of BS 17 and above.
- (c) "Accused" means an employee of the Bar Council against whom action is taken under these rules.
- (d) "Appendix" means the appendix to these Rules.
- (e) "Bar Council" means the Pakistan Bar Council.
- (f) "Benefit" means and includes salaries and other emoluments/benefits, which the employee is entitled to receive for rendering satisfactory services to the Bar Council.
- (g) "Competent Authority" means the appointing authority.
- (h) "Chairman" means Chairman of the Executive Committee of the Pakistan Bar Council.
- (i) "Executive Committee" means the Executive Committee of the Pakistan Bar Council.
- (j) "Employee" means an employee of the Pakistan Bar Council.

- (k) "Finance Committee" means the Finance Committee of the Pakistan Bar Council.
- (l) "Legal Heirs" means any person nominated by the employee during his life time for the purpose of receipt of benefits from Bar Council and in other cases, the legal heirs as determined by a competent Court of law.
- (m) "Misconduct" means conduct prejudicial to good order or service discipline or contrary to Pakistan Bar Council Employees Service Rules or unbecoming of an officer and a gentleman and includes any act on the part of any employee to bring or attempt to bring political or other outside influence directly or indirectly to bear on the Bar Council or its officers in respect of any matter relating to appointment, promotion, punishment, retirement or other conditions of service of any employee.
- (n) "Prescribed" means as prescribed by these Rules.
- (o) "Rules" means the Pakistan Legal Practitioners & Bar Council Rules, 1976 and the Pakistan Bar Council Employees Services Rules, 2009.
- (p) "Vice-Chairman" means Vice-Chairman of the Pakistan Bar Council.
- (q) Terms not defined shall have the meanings assigned to them under the Act and the Rules.

Employment with the Bar Council:

4(1). All the employees of the Bar Council shall be whole time employees and no employee can refuse to perform duties after office hours. However, if an employee works and performs his duties after office hours he may be granted such over time as may be decided from time to time by the Bar Council.

(2) The employees of the Bar Council shall perform such duties as may be assigned to them from time to time by the Bar Council or the Executive Committee.

Office Timing:

5. The office timings of the Bar Council will be from 8-30 a.m. to 3-30 p.m. with 45 minutes break for Zohar prayer/Lunch.

Uniform:

6. Employees must wear uniform prescribed by the Bar Council provided that employees working in BS 1 to 9 shall be entitled to two free uniforms to be provided by the Bar Council once in a year.

CHAPTER II

RECRUITMENT - QUALIFICATION ETC.

7. The minimum qualifications required for various categories of posts and the pay scales shall be as specified in the Appendix.

Appointment:

8. Appointments in the Bar Council, to various posts shall be made either by initial recruitment or by promotion in accordance with the manner prescribed by these Rules.

Initial recruitment:

9(1). The employees shall be given preference in the matter of appointment, but in the event of non-availability of a suitable person, the vacancy shall be filled up by direct recruitment.

(2) Promotion shall strictly be made on the basis of seniority cum-fitness.

(3) No person, who has been dismissed, removed or compulsorily retired from service shall be eligible for appointment.

(4) The minimum age for employment shall be 18 years.

(5) Notwithstanding anything contained in the Rules no initial recruitment shall be made in posts carrying BS-05 and above, unless the applicant possesses the minimum prescribed qualification and has also acquired the computer knowledge.

10. All vacancies to be filled by initial recruitment shall be duly advertised in News Papers and after interview and written test etc. as may be prescribed by the Appointing Authority, suitable persons shall be appointed.

Probation:

11(1). A person joining on initial appointment or on being promoted shall remain on probation for a period of one year.

(2) If the work or the conduct of an employee during the period of probation has been unsatisfactory, the appointing authority, notwithstanding, that the period of probation has not expired, may if he has been appointed by initial recruitment, dispense with his services, and if he has been appointed by promotion revert him to his substantive post without any notice or may extend period of probation for another year.

Confirmation:

12. After successful completion of probationary period the employee shall be confirmed from the date of his appointment/promotion as the case may be and if no formal order is passed till expiry of the probationary period it will be deemed to have been extended for another one year:

Provided that after completion of two years period of probation if no adverse orders are passed, the employee shall be deemed to have been confirmed from the date of appointment.

Acting Charge:

13. In case of non-availability of a duly qualified person for a particular post any suitable employee may be given charge of the post temporarily. The Acting charge, however, will not vest any right for promotion.

Seniority:

14. The seniority inter se of the employees in a grade shall be determined with reference to their dates of appointment in the respective grade/scale:

Provided that if the date of appointment of more than one employees is same, the inter-se seniority shall be determined on the basis of date of birth.

Promotion:

15. Promotions shall be made strictly on merits and while following the principle of seniority-cum-fitness, from amongst employees possessing minimum qualification and fulfilling conditions of service as prescribed by the Rules.

Move over:

16. Employee shall be allowed move over to the next scales in accordance with the appendix-2 with maximum ceiling of scale as prescribed therein.

Retirement:

17(1) The employee shall retire from service on the completion of sixtieth years of his age.

(2) If an employee becomes incapacitated or declared unfit by a medical Board, he may be retired from service earlier by the Bar Council on payment of full benefits for the service rendered by him which shall not be less than equivalent to 10 years service.

(3) An employee shall have the right to opt for retirement after completion of 25 years service. In that eventuality he shall be entitled to all benefits admissible under these rules and law.

Resignation:

18(1) An employee may resign by submitting his resignation in writing addressed to the appointing authority with one month's prior notice:

Provided that his resignation shall not be accepted if disciplinary proceedings are pending against him or unless he accounts for any loss of property or record of the Pakistan Bar Council in his charge and obtains a clearance certificate.

(2) On acceptance of resignation of an employee he shall be entitled to all dues admissible to him under the rules.

Conduct in General:

19(1) Employees of Bar Council are expected to be gentlemen, well behaved, disciplined and respectful to every body.

(2) No employee shall propagate sectarian, linguistic creeds or take part in such controversies or indulge in such partiality and favoritism as are likely to affect his integrity in the discharge of his duties or to embarrass the administration of Bar Council or create feelings of discontent or displeasure amongst employees of Bar Council in particular and amongst the people in general.

(3) No employee shall express views detrimental to the ideology or integrity of Pakistan.

(4) No employee shall indulge in provincialism, parochialism, favouritism, victimization and wilful abuse of office.

(5) Employees shall discharge their duties honestly, efficiently and with full dedication.

Leave

20. An employee shall be entitled to avail the following leave with full pay:--

(1) **Casual Leave** not exceeding 25 days in a calendar year to be allowed for good cause only:

Provided that no employee shall be allowed casual leave for more than five consecutive days at a time.

(2) **Earned Leave** -

(a) An employee of the Bar Council shall be entitled to earned leave to be calculated at the rate of four days for every calendar month of the duty rendered and credited to the leave account:

Provided that duty period of 20 days or less in a calendar month shall be ignored and of more than 20 days shall be treated as a full calendar month for the purpose.

(b) There shall be no maximum limit on the accumulation of such leave:

Provided that an employee may be paid as of a matter of right the salary equivalent to 50% of his un-availed earned leave at his credit at any time and the period of leave for which he is paid shall be deemed to have been availed.

Provided that such option can be exercised only once in a year.

(3) **Recreation leave:** The employees of the Bar Council shall be entitled, every year, to recreation leave during summer vacations in the Supreme Court as specified herein below:--

(i) Employees in BS1 to 16 .. 7 days

(ii) Employees in BS 17 and above .. 14 days

Provided that in case an employee does not avail the recreation leave it shall be deemed to have been availed:

Provided further that if the employee is stopped or restrained from availing the recreation leave by order of the competent authority he shall be paid salary in lieu thereof.

(4) **Leave for attending duty on off days:** An employee of the Bar Council on being required, to perform duty on holidays shall be entitled to avail leave in lieu thereof and if such leave remains un-availed he shall be paid for such accumulated leave at the end of calendar year.

(5) **Medical leave**

(a) Leave with pay:

An employee may be allowed medical leave subject to production of medical certificate from a registered medical practitioner for a period not exceeding 180 days:

Provided that in case the leave exceeds 7 days the employee shall have to provide medical certificate from Govt. Hospital:

Provided further that the Executive Committee or the Bar Council may direct the employee to appear before Medical Board comprising of specialist-Doctors of a Govt. Hospital, for determination of illness and authenticity of certificates produced by him.

(b) Leave without pay:

The Executive Committee may allow for cogent reasons leave without pay, to an employee:

Provided that leave exceeding three months shall require prior approval of the Bar Council.

(6) **Leave Preparatory to Retirement:**

An employee shall be entitled to one year Leave Preparatory to Retirement when he reaches 59 years of age:

Provided that in case the employee does not opt for LPR and continues to perform his duties, he may be granted additional salaries for one year by the competent authority in lieu thereof.

21. **In Service Death:**

In case an employee dies during service, his legal heirs shall be paid:

- (1) all dues/salaries/benefits to which the deceased was entitled;
- (2) in case he has less than 10 years service the legal heirs shall be compensated by the Bar Council by making payment of emoluments as if such employee has completed 10 years service; and
- (3) in addition to above said and any other benefits to which he may be entitled the legal heirs may be paid any amount of compensation for funeral charges etc to be determined by the Bar Council.

22. Subject to control and supervision of Chairman, Executive Committee the Secretary may grant casual leave and sick leave upto one week whereas, the matters pertaining to other kinds of leave will be dealt with by the Chairman, Executive Committee.

CHAPTER III

DISCIPLINE AND PUNISHMENT

23. If an employee, in the opinion of the Competent Authority:--

- a) is inefficient or has ceased to be efficient;
- b) is guilty of misconduct; or

c) is negligent.

the competent authority may impose on him one or more penalties prescribed by the Rules.

24. The following are the penalties which may be imposed namely:-

(1) Minor penalties:

- i) Warning,
- ii) Censure,
- iii) Withholding for a specific period increment or promotion.

(2) Major Penalties:

- (i) Recovery from pay or other emoluments, of the whole or any part of any pecuniary loss caused to the Bar Council by negligence or breach of order.
- (ii) Reversion to a lower post.
- (iii) Compulsory Retirement
- (iv) Removal from service
- (v) Dismissal from service

Explanation.--In this Rule, removal from service or dismissal from service does not include the discharge of a person appointed on probation during the period of probation or appointed under a contract to hold temporary appointment on the expiry of period of appointment or in accordance with the terms of his contract.

25. Competent authority may proceed against an employee on the grounds as mentioned in Rules and may award any punishment prescribed thereby.

Suspension:

26. The employee who has been proceeded against may be placed under suspension. However, during the period of suspension the employee shall be bound to attend office regularly and will be entitled to substance allowance equivalent to half of his salary.

Inquiry:

27. When an employee is to be proceeded against and the appointing authority is of the opinion that the allegations require a regular inquiry, the following procedure shall be observed namely:--

- (i) The competent authority shall frame a charge explicitly stating therein the allegations leveled upon the accused employee.
- (ii) The accused employee shall be required to put in a written defence within 7 days from the day the charge has been communicated to him, stating at the same time whether he desires to be heard in person or not;
- (iii) If the written defence submitted by the employee is found to be unsatisfactory, the competent authority shall appoint an Enquiry Officer to hold an enquiry into the allegations;

- (iv) The Enquiry Officer shall, after holding an enquiry, in which the employee shall be entitled to be heard, submit his report within the time prescribed by the competent authority;
- (v) The competent authority shall consider the report, and if, upon such consideration, it is of the opinion that penalty should be imposed upon the employee, shall issue a show-cause notice intimating the accused employee the penalty proposed to be imposed upon him:

Provided that employee may be heard in person if he so desire before passing of a final order.

- (vi) The Competent Authority thereafter shall pass a final order which shall be communicated to the employee at his available address.

Show-cause notice:

28(1). If in the opinion of the competent authority no formal inquiry is necessary, the competent authority may proceed against the accused employee by issuing a show-cause notice stating therein the details of allegations and action proposed to be taken, requiring the employee to submit written reply within 7 days, upon receipt of such show-cause notice, and if the accused employee fails to submit written reply within the stipulated period, he may be proceeded against ex-parte OR

If the written reply furnished by the accused employee is found unsatisfactory.

- (2) The competent authority may impose any of the penalties prescribed by the Rules:

Provided that in the event of the employee being exonerated of the charges, he shall be entitled to payment of full salary for the period of suspension after deduction of the amount already received by him.

Exercise of Power:

29. The Vice-Chairman in case of Bar Council and the Chairman in case of Executive Committee may exercise powers under these Rules subject to the approval of Bar Council and Executive Committee, respectively, as the case may be. However, orders regarding imposition of major penalties shall only take effect, after accord of approval by the Bar Council or the Executive Committee as the case may be.

30. An employee on whom a penalty is imposed, shall have the right of Appeal in accordance with these Rules.

Appeal:

31. Within 30 days from imposition of the penalty by competent authority other than the Bar Council the accused employee shall have a right of Appeal before the Bar Council which may be decided in its ensuing meeting.

Review:

32. In those cases where the penalty has been imposed by the Bar Council itself the accused employee may file review petition within 30 days of imposition of the penalty which may be decided in its ensuing meeting.

CHAPTER VII

ALLOWANCES

33. The employees of the Bar Council shall be entitled to such salaries, allowances and other emoluments as prescribed by the Rules:

Provided that the Bar Council may from time to time allow such allowances to employees as it deem appropriate. However, the same shall not, in any case, be less favourable to those admissible to employees of the Federal Government.

T.A./D.A.

34. The employees shall be entitled to TA/DA as admissible from time to time to employees of the Federal Government in the comparative pay scales.

Advance Increment:

35. An employee upon improving his qualification during service shall be entitled to two advance increments provided that the improved qualification is not the prescribed qualification for the post held by employee.

CHAPTER VIII

GRATUITY

36. **Gratuity** means the recognition of the services rendered to the Bar Council by an employee for a period of 10 years or above.

37. **Eligibility** - An employee shall be eligible for payment of gratuity if he:--

i) has rendered at least 10 years satisfactory service with the Bar Council including the period of probation, if any;

or

ii) resigns after completion of 10 years of continuous satisfactory service:

Provided that if an employee dies, while in the service of the Bar Council, before qualifying the condition under clause (i) above, his legal heirs shall be paid gratuity at the rate of two months basic salary for each completed year of service put in by him.

38. **Disqualifications** - An employee shall not be eligible for payment of gratuity if he:--

- (1) resigns before completion of 10 years service; or
- (2) is dismissed from service; or

(3) is removed or compulsorily retired on charges of corruption.

Computation of Amount of Gratuity and Period of Service.

39. For calculating the gratuity payable to an employee only the monthly basic pay last drawn by him on the date of his retirement or resignation or death and excluding all allowances and benefits shall be taken into consideration.

The employee shall be entitled to two months last drawn basic pay per year of total period of his service.

Payment of Gratuity to the Employee/legal heirs.

40(1). Subject to the eligibility the gratuity shall be paid to the employee computed at the rate of two month's basic pay last drawn, for the number of years of service put in by him:

Provided that the period of previous service of an employee of the Bar Council with a Provincial Bar Council or a Bar Association in Pakistan, without any break, shall be treated as service of the Bar Council for commutation of Gratuity if he had not previously received the payment of Gratuity from the Provincial Bar Council or Bar Association.

(2) An employee having put in 25 years continuous service shall be entitled to the payment of 80% of the total amount of gratuity admissible to him which shall, however, be adjusted at the time of his retirement or leaving the service.

41. The gratuity shall be payable to the employee:--

- (i) on his retirement;
- (ii) in case of his death to his legal heirs; &
- (iii) on leaving the service of Bar Council after rendering 10 years satisfactory service:

Provided that no amount shall be paid to an employee in advance unless he submits an undertaking on stamp paper that in case of dismissal or award of major penalty he shall be bound to return the amount so received.

CHAPTER V

CONTRIBUTORY PROVIDENT FUND

42. There shall be a Contributory Provident Fund, to be called the "Pakistan Bar Council Employees Contributory Provident Fund", hereinafter referred to as the Fund.

43. Each confirmed employee shall compulsorily contribute to the Fund at the rate of 15% per month, of his basic pay and the Bar Council shall make an equal contribution to the account of such employee:

Provided that an employee shall not be entitled to receive the contribution from the Bar Council if he had not put in five years continuous service.

44. An employee shall be entitled to payment of the amount due to him under the Rules:

Provided that an employee who is awarded major penalty shall be entitled to receive only the contributions made by him to the fund plus the interest accrued thereon if any.

45. The Executive Committee may grant to an employee an advance from the Provident Fund to the extent of 30% of total entitlement provided that if he has put in more than five years continuous service for the following purposes--

- a) to pay expenditure incurred in connection with the illness of the employee or any person actually dependent on him;
- b) to pay expenditure in connection with the marriage of the employee or any person actually dependent on him;
- c) to pay expenditure of building or purchasing of house or site for a house;
- d) to pay expenditure in connection with the performance of Hajj or Umra; and
- e) such emergency, which the Executive Committee may deem fit.

However, grant of advance beyond 30% shall be subject to approval of the Bar Council.

Set - Off of Pakistan Bar Council's Claim

46. Notwithstanding anything contained in the Rules, the Bar Council shall have the authority/right to adjust any amount due to its employee while disbursing any emoluments to him or his legal heirs. The Bar Council shall be entitled to set off and appropriate the amount of gratuity/service benefits against such dues owing to the Bar Council or such portion thereof as may be sufficient to meet or satisfy the same.

47. Notwithstanding anything contained in the Rules, the Bar Council shall have the authority/right to proceed against its employee even after retirement or leaving the service if some fraud/forgery/ embezzlement or any loss caused to Bar Council on account of acts of said employee comes to knowledge of the Bar Council:

Provided that in case of his death the loss so caused may be recovered from his legal heirs and property.

48. In matters not covered by the Rules, laws applicable to the Federal Government Employees shall *mutatis mutandis* apply to the employees of the Bar Council so far as those are not inconsistent with these Rules.

Repeal:

49. The Pakistan Bar Council Employees Service Rules, 1976 are hereby repealed.

APPENDIX-1 (RULE 7)

<u>S. No.</u>	<u>Name of Post</u>	<u>Column 2</u>	<u>Column 3</u>
1.	Secretary (One)	(i) <u>By promotion</u> from amongst employees having 7 years experience in BS-14 or above. <u>LL.B.</u>	BS: 18 (12910-930-31510)

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|----|---------------------------|---|----------------------------|
| | | (ii) <u>By initial</u> recruitment, Advocate of High Court having 10 years standing.
<u>LL.B.</u> | |
| 2. | Asstt. Secretary (One) | (i) <u>By Promotion</u> from amongst employees having 5 years experience in BS 14 or above.
<u>LL.B.</u> | BS: 17
(9850-740-24650) |
| | | (ii) <u>By initial</u> recruitment Advocate High Court having standing of five years.
<u>LL.B.</u> | |
| 3. | Accounts Officer (One) | (i) <u>By promotion</u> from amongst employees having 5 years experience in accounts with computer knowledge <u>B.Com.</u> | BS: 17
(9850-740-24650) |
| | | (ii) <u>By initial</u> recruitment having 5 years experience in accounts with computer knowledge.
<u>B.Com</u> | |
| 4. | Librarian (One) | (i) <u>By promotion</u> from amongst employees having 5 years experience in Library work and 10 years service of Bar Council.
<u>B.A./B.Sc</u> | BS: 16
(6060-470-20160) |
| | | (ii) <u>By initial</u> recruitment 5 years experience of Library work. <u>Bachelors degree in Library Science</u> | |
| 5. | Stenographer (one) | <u>By initial</u> recruitment only, Short hand 120 WPM & Typing Speed 40 WPM with computer knowledge <u>B.A./B.Sc</u> | BS: 15
(5220-420-17820) |
| 6. | Section Incharge (One) | (i) <u>By promotion</u> from amongst employees with 10 years service of Bar Council and computer knowledge. <u>F.A./F.Sc</u> | BS: 14
(4920-380-16320) |
| | | (ii) <u>By initial</u> recruitment 5 years experience of office work and knowledge of computer operation.
<u>B.A./B.Sc</u> | |
| 7. | Assistant (General) (One) | (i) <u>By promotion</u> from amongst employees with 5 years service of Bar Council and Knowledge of computer operation.
<u>Matric</u> | BS: 9
(3820-230-10720) |
| | | (ii) <u>By initial</u> recruitment with typing speed 40 WPM and knowledge of computer operation.
<u>B.A./B.Sc</u> | |

8.	Accounts Asstt. (One)	(i) <u>By promotion</u> from amongst employees with typing speed of 40 WPM and knowledge of computer operation. <u>Matric</u>	BS: 9 (3820-230-10720)
		(ii) <u>By initial</u> recruitment with typing speed of 40 WPM and knowledge of computer operation. <u>B.Com</u>	
9.	Library Asstt. (One)	(i) <u>By promotion</u> from amongst employees with 5 years service of Bar Council. <u>Matric</u>	BS: 9 (3820-230-10720)
		(ii) <u>By initial</u> recruitment with 5 years experience in Library work and knowledge of computer operation. <u>B.A./B.Sc</u>	
10.	Clerk (Two)	(i) <u>By promotion</u> from amongst employees with typing speed of 40 WPM and knowledge of computer operation. <u>Matric</u>	BS: 7 (3530-190-9230)
		(ii) <u>By initial</u> recruitment with typing speed of 40 WPM and knowledge of computer operation. <u>F.A./F.Sc</u>	
11.	Telephone Operator (One)	<u>By initial</u> recruitment with 2 years experience. <u>F.A./F.Sc</u>	BS: 7 (3530-190-9230)
12.	Driver (One)	With 5 years driving experience. Holding of valid driving license issued by competent authority is must. <u>Middle</u>	BS: 5 (3340-160-8140)
13.	Naib Qasid (Four)	Middle	BS: 1 (2970-90-5670)

Explanation:

1. The present incumbents not possessing the requisite qualifications as prescribed herein above, for the posts they are holding, will not be adversely effected. However, for promotions prescribed qualification is a must.
2. Nomenclature of posts of Accountant, Assistant and Upper division clerk in repealed Rules stands changed into that of Accounts Officer, Section Incharge and Assistant respectively. However, notwithstanding anything contrary, incumbents of above said posts shall continue to hold posts under these Rules.

APPENDIX-2 (Rule 16)

<u>Column 1</u> <u>Post in BS</u>	<u>Column 2</u> <u>Period for grant of move over</u>	<u>Column 3</u> <u>Maximum ceiling/scale</u>
1	Upon confirmation and with two years minimum service move over in BS 2 and there after upon satisfactory service of each 5 years move over to next scale shall be granted.	BS 9
5	Upon confirmation and with two years minimum service move over in BS 6 and there after upon satisfactory service of each 5 years move over to next scale shall be granted.	BS 14
7	Upon confirmation and with two years minimum service move over in BS 8 and there after upon satisfactory service of each 5 years move over to next scale shall be granted.	BS 16
9	Upon confirmation and with two years minimum service move over in BS 10 and there after upon satisfactory service of each 5 years move over to next scale shall be granted.	BS 17
14	Upon confirmation and with two years minimum service move over in BS 15 and there after upon satisfactory service of each 5 years move over to next scale shall be granted. However, from BS-17 and above 10 years service in the same scale is a must.	BS 19
15	Upon confirmation and with two years minimum service move over in BS 16 and there after upon satisfactory service of 5 years move over to next scale shall be granted. However from BS-17 and above 10 years service in the same scale is a must.	BS 20
17 & 18	Subject to satisfactory service of each 10 years move over to next scale shall be granted.	BS 22
